The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MEGAN WHITT, individually and on behalf of all others similarly situated, Plaintiff, v. MENU FOODS, a foreign corporation, Defendant.	No. CV 07-0670 RSM STIPULATION AND [PROPOSED] ORDER STAYING ALL PROCEEDINGS AND FOR PRESERVATION OF EVIDENCE

WHEREAS, this case is one of over sixty (60) putative class actions filed in this court and several other courts throughout the country for damages and injunctive relief, arising from the manufacture, distribution and/or sale of pet food products by Defendant Menu Foods.

WHEREAS, on March 30, 2007, plaintiffs in this jurisdiction filed a Motion for Transfer and Consolidation of Related Actions to the Western District of Washington Under 28 U.S.C. § 1407. Other parties have moved for transfer of all related actions to the Southern District of Florida, the Central District of California, the District of New Jersey, and the Northern District of Illinois.

WHEREAS, the MDL Panel will determine whether all actions, including this action, should be transferred and coordinated and/or consolidated under 28 U.S.C. § 1407 for pretrial

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proceedings. The MDL Panel has set this matter for hearing on May 31, 2007 in Las Vegas, Nevada; and

WHEREAS, the parties believe that in the short intervening time between now and a decision by the MDL Panel on transfer and coordination and/or consolidation, a stay of these proceedings will conserve party and judicial resources.

IT IS HEREBY STIPULATED by and between Plaintiff and Defendant Menu Foods, through their designated counsel that this matter, including the deadlines for the parties to participate in class certification and other pretrial proceedings, be stayed pending the establishment of *In re: Pet Food Products Liability Litigation*, MDL Docket No. 1850, and the potential subsequent transfer of this case for coordinated pretrial proceedings with other actions pending throughout the country.

All parties shall, during the pendency of the stay of this matter, comply with their duty to preserve all evidence that may be relevant to this action. This duty extends to documents, electronic data, and tangible things in the possession, custody and control of the parties to this action, and any employees, agents, contractors, or carriers who possess materials reasonably anticipated to be the subject of discovery in this action. "Preservation" is to be interpreted broadly to accomplish the goal of maintaining the integrity of all documents, data and tangible things reasonably anticipated to be the subject of discovery under Fed. R. Civ. P. 26, 45 and 56(e) in this action. Preservation includes taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of such material, as well as negligent or intentional handling that would make material incomplete or inaccessible. If the business practices of any party involve the routine destruction, recycling, relocation, or mutation of materials, the party must, to the extent practicable for the pendency of this order, either:

i) halt such business practices;

ii) sequester or remove such material from the business process; or

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iii) arrange for the preservation of complete and accurate duplicates or copies of such material, suitable for later discovery if requested.

IT IS SO STIPULATED.

Dated: May 7, 2007

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Steve W. Berman (via written authorization)
STEVE W. BERMAN, WSBA No. 12536
Attorneys for Plaintiff

Dated: May 7, 2007

Respectfully submitted,

MYERS & COMPANY

By /s/ Michael D. Myers (via written authorization)
MICHAEL D. MYERS, WSBA No. 22486
Attorneys for Plaintiff

Dated: May 7, 2007

Respectfully submitted,

GARDNER BOND TRABOLSI PLLC

By /s/ Jeffrey T. Kestle
JEFFREY T. KESTLE, WSBA No. 29648
Attorneys for Defendant

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: ______________

____
THE HONORABLE RICARDO S. MARTINEZ
JUDGE, UNITED STATES DISTRICT COURT

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